

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SPRINTCOM, INC. FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT) CASE NO.
A PERSONAL COMMUNICATIONS SERVICE FACILITY IN THE) 97-461
CINCINNATI MAJOR TRADING AREA (VILLA HILLS FACILITY))

O R D E R

On December 18, 1997, SprintCom, Inc. ("SprintCom") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a personal communications system ("PCS") facility in the Cincinnati Major Trading Area. SprintCom has requested authorization to construct a PCS site in Kenton County. SprintCom was previously granted the authority to operate in Case No. 97-294.¹

The proposed PCS site consists of a 150-foot or less monopole antenna tower to be located at 724 River Road, Villa Hills, Kenton County, Kentucky ("the Villa Hills PCS site"). The coordinates for the Villa Hills PCS site are North Latitude 39° 04' 20.8" by West Longitude 84° 35' 27.6".

SprintCom has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Villa Hills PCS site. Based upon the application, the design of the tower and foundation conforms to applicable nationally

¹ Case No. 97-294, The Application of SprintCom, Inc. for Operating Authority and Issuance of Certificate of Public Convenience and Necessity to Construct Personal Communications Services Facilities in Kentucky.

recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.324(1), the Villa Hills PCS site's construction is exempt from local zoning ordinances; however, SprintCom notified the Villa Hills Planning and Zoning Commission and the Northern Kentucky Area Planning Commission. The Airspace Safety Analysis Corporation has determined that only if a tower at this site exceeded 200' would it require approvals from the Federal Aviation Administration. The Kentucky Airport Zoning Commission also determined that approval was not required for the Villa Hills PCS site.

SprintCom has filed notices verifying that each person who owns property or who resides within 500 feet of the Villa Hills PCS site has been notified of the pending construction. The notice solicited any comments and informed the property owners or residents of their right to intervene. In addition, notice was posted in a visible location on the proposed site for at least two weeks after SprintCom's application was filed. To date, no intervention requests have been received.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, SprintCom should notify the Commission if it does not use this antenna tower to provide PCS radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by SprintCom.


The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that SprintCom should be granted a Certificate of Public Convenience and Necessity to construct and operate the Villa Hills PCS site under its previously approved tariff.

IT IS THEREFORE ORDERED that:

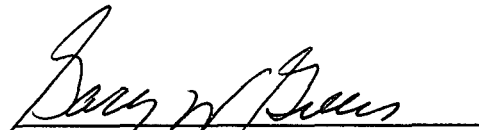
1. SprintCom is granted a Certificate of Public Convenience and Necessity to construct and operate the Villa Hills PCS site.
2. SprintCom shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 16th day of April, 1998.

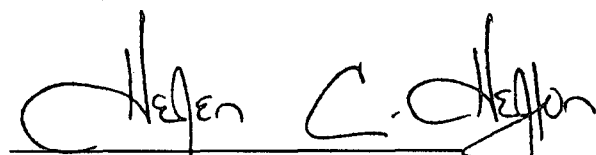
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director